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MS ISSUE FEE
PATENT
2611-0116P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Wataru MATSUMOTO Conf.: 9784
Appl. No.: 09/445,298 Group: 2634
Filed: December 3, 1999 Examiner: SAM K. AHN
For: DIGITAL COMMUNICATION DEVICE

LETTER TO CORRECT OFFICIAL RECORDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SEP - 5 2003

Sir:

In reviewing the above-identified application file upon allowance, it has come to the undersigned's attention that in the Detailed Action of the Notice of Allowability, the Examiner indicates that a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) was filed on June 25, 2003. However, it was a Request for Continued Examination (RCE) under 37 CFR 1.114 which was filed; not a CPA. Therefore, it is respectfully requested that the Examiner correct all relevant records and forward confirmation to the undersigned attorney as soon as possible.

Additionally, Office Action dated November 20, 2002 approved the drawings filed November 2, 1999. However, the drawings were actually filed on December 3, 1999. It is respectfully requested that the Examiner issue a corrected PTOL-37 form indicating the correct filing date of the drawings to the undersigned as soon as possible.

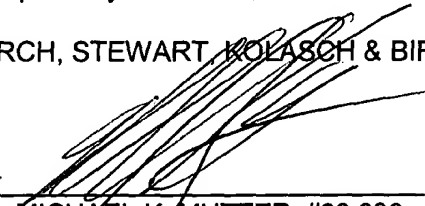
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

RECEIVED
SEP 05 2003
Office of Patent Publication
Director's Office

Respectfully submitted,

BIRCH, STEWART KOLASCH & BIRCH, LLP

By


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REPLY TO ERRONEOUS INDICATION OF PUBLICATION FEE DUE

MS PGPUB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following was received in the above-identified application:

- ☐ A separate Notice of Publication Fee Due
- ☒ A Notice of Allowance with an indication of Publication Fee due.

It is believed that this requirement for a publication fee by the USPTO is in error. In particular, the above-identified application:

- ☐ Has had a Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) for non-publication filed therein;
- ☐ Is a Design application;
- ☐ Should issue as a patent more than four (4) weeks prior to the projected publication date; or

- ☒ The application was only filed as a Request for Continued Examination (RCE), which does not trigger publication;
- ☒ Filed as National Phase PCT Application with International Filing Date of _____, i.e., prior to November 29, 2000.

and according to 37 C.F.R. § 1.211(e) the publication fee should not be due.

In view of the Official Gazette Notice of July 31, 2001, 1248 O.G. 166, Applicant(s) hereby authorize the USPTO to charge the publication fee to Deposit Account 02-2448, if necessary. However, the USPTO should **not charge** the Deposit Account if the patent issues within sufficient time to remove the application from the publication queue. The USPTO is requested to notify the undersigned if the Deposit Account is charged.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____

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(Rev. 04/30/03)